



Canada Border  
Services Agency    Agence des services  
frontaliers du Canada

For information

## **ELECTRONIC TRAVEL AUTHORIZATION EXPANSION (eTA 2.0)**

For the President

### **PURPOSE**

To provide you with an update on the Electronic Travel Authorization (eTA) expansion initiative, known as eTA 2.0, which must be fully implemented by May 1, 2017.

### **ISSUE**

Under eTA 2.0,

### **BACKGROUND**

The eTA is a new entry requirement for visa-exempt foreign nationals (apart from US citizens and other specified exempt travellers) who are travelling to Canada by air. Implementation of the eTA requirement allows Canada to pre-screen these travellers to improve the safety and security of Canadians and to protect the integrity of our immigration system. The eTA became a mandatory entry requirement for visa-exempt travellers beginning March 15, 2016, but was not enforced until November 10, 2016.

US citizens are exempt from the eTA requirement, but a US PR must obtain an eTA to travel to Canada.

## STATUS

As of May 1, 2017 at 09:00 AM Eastern Standard Time (EST), under eTA 2.0, select citizens from Romania, Bulgaria and Brazil will be able to travel to Canada with an eTA instead of a temporary resident visa, if they meet the following eligibility requirements:

- they have held a Canadian visa within the past ten years; or
- they currently are in possession of a valid US visa.

With the introduction of eTA 2.0, select citizens of Romania, Bulgaria and Brazil will be eligible to fly to Canada using an eTA, while other citizens of these same countries will still need a visa.

The Canada Border Services Agency (CBSA) is modifying systems to recognize a new eTA 2.0 travel document (i.e. eTA-X). Since the Agency received no funding for eTA 2.0, the estimated \$100K cost of the systems changes is being absorbed within existing reference levels. The Agency is on track to meet the May 1, 2017 date.

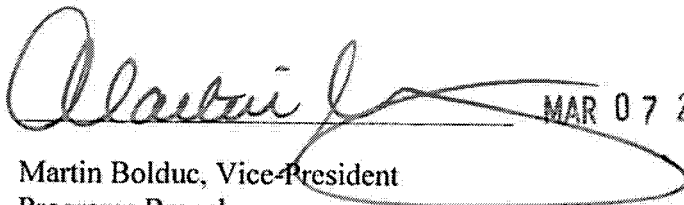
In the short term, travellers may be required to provide additional supporting documentation prior to boarding (i.e. to satisfy airlines that they are properly documented for travel to Canada). The Agency and IRCC are refining a long term system solution, with a preliminary estimated cost of \$1.8M.

IRCC has not yet communicated with airlines. Airline reaction to eTA 2.0 is expected to be mixed, due to outstanding issues from eTA 1.0. Presumably, airlines will ask that the Air Carrier Support Centre continue to operate beyond March 2017 to assist with eTA 2.0 implementation.

## NEXT STEPS

The CBSA will engage with airlines beginning in March 2017 via the Air Industry Working Group, to reaffirm that airlines will not require system changes to implement eTA 2.0 and to ensure they have appropriate training materials for their staff.

The Agency and IRCC are working together on a long term solution. Additional funding to implement the chosen solution will need to be sought.

 MAR 07 2017  
Martin Bolduc, Vice-President  
Programs Branch



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For information

## **REGULATIONS FOR SYSTEMATIC BIOMETRIC IMMIGRATION INFORMATION SHARING WITH FIVE COUNTRY CONFERENCE PARTNERS**

For the President

### **PURPOSE**

This note is to brief you on an upcoming proposal to amend the *Immigration and Refugee Protection Regulations* (IRPR) to support systematic, biometric-based immigration information sharing (IIS) with Australia (AU), New Zealand (NZ) and the United Kingdom (UK).

Concurrence by the Minister of Public Safety and Emergency Preparedness (PSEP) is required and recommended. A full regulatory amendment package will follow.

### **ISSUE**

Concurrence from the PSEP Minister is required by the Treasury Board Secretariat as the regulations will have an operational impact for the Canada Border Services Agency (CBSA). Currently, Immigration Refugee and Citizenship Canada (IRCC) is targeting the May 4, 2017 Treasury Board meeting. To meet this deadline, your approval of the full regulatory amendment package will be required by March 24, 2017, and concurrence by the Minister is requested no later than April 10, 2017.

### **BACKGROUND**

Since 2009, Canada has manually conducted fingerprint-based immigration checks with Five Country Conference (FCC) partners under the High Value Data Sharing Protocol (HVDSP). Based on the success of the HVDSP, the FCC partners are implementing the high-volume, systematic fingerprint-based IIS. While the HVDSP cases were selected on officer suspicion or high risk (i.e., refugee claimants), queries through the new system will be automatically sent by the Global Case Management System (GCMS) and will include lower-risk cases such as visa applications. Volume of queries sent and received will also increase from approximately 5000 cases per year/partner to per year/partner, representing a much greater proportion of overall immigration applications, and the need for new IIS arrangements with AU, NZ and the UK.

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Existing case-by-case IIS arrangements, which allowed exchanges based on an officer's reasonable suspicion that such an exchange would reveal details relevant to administering or enforcing immigration or citizenship law, have each been updated to an umbrella IIS arrangement. These arrangements include separate annexes, in which ad-hoc exchanges are described in a Case-by-Case Annex, and systematic exchanges will be described in an Automated Annex. The new bilateral umbrella arrangements and case-by-case annexes with AU, NZ and the UK are in place. The Automated Annex with AU was signed in 2016, and signature of the NZ and UK Automated Annexes is expected by December 2017.

Systematic IIS presents a greater privacy risk than case-by-case IIS as it is not dependent on an officer's reasonable suspicion on a particular case. Thus, a specific IRPR authority for systematic exchanges is preferred. The proposed regulations seek to provide authority in IRPR to automatically disclose limited and prescribed personal information to FCC partners by electronic query.

GCMS functionality supporting systematic biometric IIS with AU will be operationally ready in April 2017. Although systematic exchanges will be automatically triggered in GCMS based on business rules, the functionality will also support officer-initiated biometric queries on a case-by-case basis where reasonable suspicion exists.

**STATUS**

IRCC consulted the CBSA on both the Regulatory Impact Analysis Statement (RIAS) and proposed regulations ( ). Programs Branch and Legal Services reviewed the documents and identified some risks.

Considering only automated information sharing is conducted under these regulations, representing a proportion of overall immigration applications,

At the request of the CBSA, the RIAS was updated to include wording to the effect that the regulations do not affect case-by-case exchanges so that when read alongside the regulations, the intent is clear. As was done with previous IIS arrangements, Programs Branch will work closely with Operations Branch to ensure that CBSA officials are provided clear program guidance regarding the scope and intent of the regulations and the authority they confer.

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## NEXT STEPS

A full regulatory amendment package for your approval with a recommendation that the Minister concur will be presented to you before March 24, 2017. Programs Branch will continue to work with Operations Branch to ensure that all employees are advised and understand that these regulations do not apply to any exchanges other than those under the Automated annexes of the IIS arrangements with AU, NZ and the UK.

I am available to provide you with an in-person briefing on this file at your convenience.

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Martin Bolduc, Vice-President  
Programs Branch

ATTACHMENT:

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CBSA/ASFC-17-00897

## ROUTING SLIP / BORDEREAU D'ACHEMINEMENT

		ACTION REQUIRED/ MESURE REQUISE	
Name and telephone number/ Nom et numéro de téléphone	Initials and date / Initiales et date	Action	Information
<b>President / Président</b> John Ossowski		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Executive Vice-President / Première vice-présidente</b> Tina Namiesniowski		<input type="checkbox"/>	<input type="checkbox"/>
<b>Vice-President / Vice-président</b> Martin Bolduc		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Associate Vice-President / Vice-président associé</b> Peter Hill		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Senior Counsel / Avocat général principal</b> Tom Saunders		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>a/Director General / Directeur général (p.i.)</b> Sébastien Aubertin-Giguère			
<p><b>Subject/Objet</b> Regulations for Systematic Biometric Immigration Information Sharing with Five Country Conference Partners</p> <p><b>Action/Mesure :</b> For information / Pour approbation</p> <p>The Minister of Immigration, Refugees and Citizenship will be seeking concurrence from the Minister of Public Safety and Emergency Preparedness on proposed amendments to the <i>Immigration and Refugee Protection Regulations</i> to support systematic biometric-based immigration information sharing with Australia, New Zealand and the United Kingdom.</p> <p>The enclosed note is to brief you regarding this upcoming regulatory proposal. Please note that the regulatory amendment package will be provided by Corporate Affairs Branch and will seek your approval by March 17, 2017. Minister's concurrence will be requested for April 10, 2017</p> <p>Consultations: CBSA Regulatory Affairs, CBSA Legal Services, Immigration, Refugees and Citizenship Canada</p>			

President's Office time stamp / Timbre dateur du bureau de la présidente



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CBSA/ASFC-17-00850

ROUTING SLIP / BORDEREAU D'ACHEMINEMENT

Name and telephone number/ Nom et numéro de téléphone		Initials and date / Initiales et date	Action	Information
President/Président John Ossowski		APR 03 2017	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Executive Vice-President/ Vice-présidente exécutive Tina Namiesniowski			<input type="checkbox"/>	<input checked="" type="checkbox"/>
Vice-President/ Vice-président Martin Bolduc		MAR 3 2017	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Associate Vice-President/ Vice-président délégué Peter Hill			<input type="checkbox"/>	<input checked="" type="checkbox"/>
Director General/ Directrice générale Megan Imrie				
<p><b>Subject/Objet :</b> Canada-European Union Comprehensive Economic and Trade Agreement: Border Measures Regarding Intellectual Property Rights</p> <p><b>Action/Mesure :</b> For information / Pour information</p> <p>Please find attached the revised BN approved by Mike Leahy (Acting DG). This BN addresses question #1 asked by the President and has been loaded into CCM (17-00850).</p> <p>Regarding the 2nd question asked "If the CFIA encounters suspect counterfeit goods, do they then contact the CBSA for enforcement purposes etc. or is there another avenue that CFIA would follow to report it etc.?" Programs Branch has been in communication with the CFIA regarding the application of CETA measures to pre-release food inspections carried out by the CFIA. We are currently discussing how information relating to enforcement action could be shared between our agencies.</p>				

*June 1 2017*  
*no notes*





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For Information

## **CANADA-EUROPEAN UNION COMPREHENSIVE ECONOMIC AND TRADE AGREEMENT: BORDER MEASURES REGARDING INTELLECTUAL PROPERTY RIGHTS**

For the President

### **PURPOSE**

To provide information on Canada's commitments contained in the intellectual property rights (IPR) chapter of the *Canada-European Union Comprehensive Economic and Trade Agreement (CETA) Implementation Act*.

### **ISSUE**

Domestic legislation to implement CETA is expected to come into force as early as June 1, 2017. As the Canada Border Services Agency (CBSA) is responsible for the administration of IPR at the border, it is expected that the CBSA will have to adopt certain measures with respect to suspected counterfeit goods that are protected by geographical indication.

### **BACKGROUND**

Canada introduced new policy regarding IPR enforcement at the border in January 2015 when the *Combating Counterfeit Products Act* (CCPA) came into force. Through this Act, officers of the CBSA were given the authority to detain commercial shipments containing suspected counterfeit and/or pirated goods, and to share information about shipments with registered rights holders. This Act does not apply to shipments for personal use or to goods shipped in transit.

The federal policy lead for intellectual property rights policy is Innovation, Science and Economic Development Canada (ISED).

During CETA negotiations and the development of the domestic legislation to implement the border measures in CETA, ISED and Global Affairs Canada consulted with the CBSA's Commercial Program Directorate and Legal Services regarding IPR border measures as they relate to geographical indication. The CETA expands the border measures in the CCPA to include goods that are suspected of contravening a geographical indication.

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The CETA Act is presently before the Senate, and is expected to come into force as early as June 1, 2017. The border measures in the CETA Act expand the CBSA's current IPR enforcement regime to commercial goods destined for Canada that are suspected to be counterfeit and protected by a geographical indication (e.g. champagne from France, queso manchego cheese from Spain, and prosciutto toscano from Italy).

## **STATUS**

The Programs Branch in consultation with the CBSA Operations, Global Affairs Canada and ISSED, is updating the IPR Program's policies, procedures and training materials to include enforcement of suspected counterfeit geographical indications.

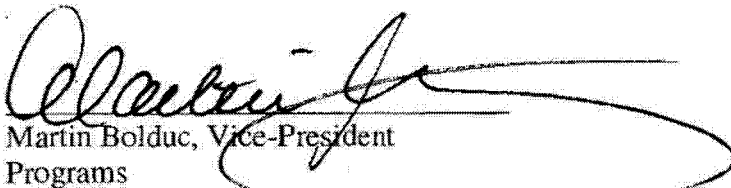
## **CONSIDERATIONS**

CETA's new measures apply to food shipments that are inspected before release from customs control.

## **NEXT STEPS**

The amendments to the CBSA's policies, procedures and training materials is on track to ensure the smooth adoption of the CETA border measures on June 1, 2017.

The CBSA will not be issuing any official announcements regarding the CETA coming into force. Any media announcements would be the responsibility of ISSED as policy lead.

  
Martin Bolduc, Vice-President  
Programs